

PROB 12C  
(7/93)

**United States District Court**

**for**

**District of New Jersey**

**Petition for Warrant or Summons for Offender Under Supervision**

**Name of Offender:** Rodney Terry

**Docket Number:** 02-00823-001

**PACTS Number:** 35085

**Name of Sentencing Judicial Officer:** HONORABLE DENNIS M. CAVANAUGH

**Date of Original Sentence:** 09/29/2003

**Original Offense:** Possession of a Firearm by a Convicted Felon

**Original Sentence:** 115 months imprisonment; 2 years supervised release.

**Type of Supervision:** supervised release

**Date Supervision Commenced:** 2/16/11

**Assistant U.S. Attorney:** Brian Howe, 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

**Defense Attorney:** Lorraine Gauli-Rufo, 1002 Broad Street, Newark, New Jersey 07102, (973) 645-634

---

---

**PETITIONING THE COURT**

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

1

The offender has violated the special supervision condition which states 'You shall refrain from the illegal possession and use of drugs, including prescription medication not prescribed in your name, and the use of alcohol, and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that you shall submit to evaluation and treatment, on an outpatient or inpatient basis, as approved by the U.S. Probation Office. You shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged by the Court. You shall alert all medical professionals of any prior substance abuse history, including any prior history of prescription drug abuse. The Probation Officer shall supervise your compliance with this condition.'

On November 22, 2011 and February 22, 2012, Terry tested positive for marijuana use. On December 1, 2011, he tested positive for opiates. On December 6, 2011, Terry began outpatient drug treatment at Integrity House; however, on April 17, 2012, he was discharged for non-compliance.

- 2 The offender has violated the standard supervision condition which states '**You shall notify the probation officer within 72 hours of any change of residence or employment.**'

In August 2011, October 2011, and March 2012, Terry changed his residence and failed to report it to the probation office within 72 hours.

- 3 The offender has violated the standard supervision condition which states '**You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons.**'

Terry has been unemployed since his supervision commenced.

- 4 The offender has violated the standard supervision condition which states '**You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.**'

On April 10, 2012, the probation office had a phone conversation with Terry and he was questioned about his residence. Terry refused to provide a current address and advised he was living "here and there." Terry hung the phone up on this officer.

- 5 The offender has violated the standard supervision condition which states '**The defendant shall report to the probation officer in a manner and frequency directed by the Court or probation officer.**'

On October 18, 2011, November 29, 2011, February 27, 2012 and April 10, 2012, Terry failed to report to probation as directed.

- 6 The offender has violated the standard supervision condition which states '**You shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month.**'

Terry failed to submit monthly supervision reports for October, November, December 2011, January, February, and March 2012.

I declare under penalty of perjury that the foregoing is true and correct.

By: Amy J. Capozzolo Kelly  
U.S. Probation Officer


Date: 4/23/12

Digitally signed by Amy J. Capozzolo Kelly  
DN: cn=Amy J. Capozzolo Kelly, o=U.S. Probation  
Office, ou=U.S. Probation Office, email=amy.j.capozzolo@usdoj.gov  
Date: 2012.04.23 17:23:05 -0400

---

**THE COURT ORDERS:**

- ☒ The Issuance of a Warrant  
☐ The Issuance of a Summons. Date of Hearing: \_\_\_\_\_  
☐ No Action  
☐ Other

  
 Signature of Judicial Officer  
 4/27/12  
 Date